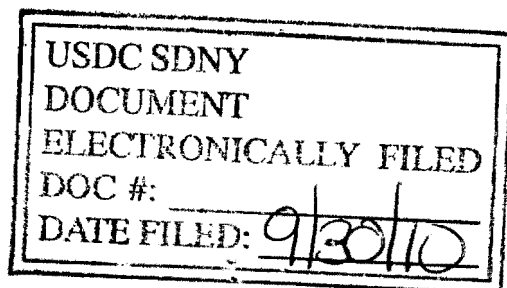
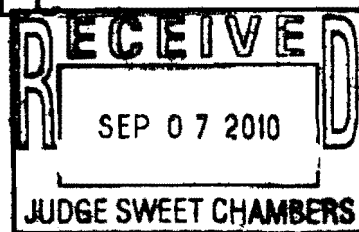


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Hon. Robert W. Sweet  
United States District Judge  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

September 3, 2010

*Docket +  
that as motion  
returnable 9/22*

Re.: Cohen et al v. Stevanovich et al  
Docket No.: 09 CV 4003 (RWS)  
Our File No.: 08-0009

Dear Judge Sweet:

This office represents the Plaintiffs in the above referenced action.

A Summons and Complaint in the instant matter was filed with this court on April 22, 2009. Service upon the named Defendants has been completed. Said Defendants moved for an Order of dismissal of the subject Complaint. This Court in an Order dated July 1, 2010 granted Defendants' Motion and dismissed Plaintiffs' Amended Complaint with grant of a leave to Replead.

Said Order was based on the following grounds:

- a. Plaintiffs have not adequately alleged market manipulation under Sections 9(a) and 10 (h);
- b. Plaintiffs Have Not Adequately Alleged Any Actionable Misrepresentations by the Financial Institution Defendants.

In the light of the foregoing, Plaintiffs respectfully request this Court to compel AMEX to Comply with Judicial Subpoena Duces Tecum for the following reasons.

Additional individuals and/or corporations were involved in the illegal stock manipulation scheme, the basis of current action. AMEX is in possession of the names and addresses of individuals and/or corporations involved in said scheme. Consequently, these records are essential to prosecution of Plaintiffs' claims and would further specify the market manipulation and misrepresentations engaged in by the institution Defendants.

*The motion is denied in view of  
the prior order vacating the subpoena.  
The time to replead under the prior order  
is 30 days from today. So ordered.  
Sweet-VSDJ. 9-29-10*

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AMEX is not a party to this action. AMEX maintains these records pursuant to Regulation SHO 17 CFR § 242.100 – 612. These records are not privileged nor do they contain proprietary and/or confidential information.

This office has requested from AMEX beginning November, 2008 as well as subpoenaed AMEX the above referenced information on May 7, 2009. In response to said subpoena we finally received a letter from AMEX dated May 20, 2009 rejecting the subpoena pursuant to FRCP Rule 26(d)(1).

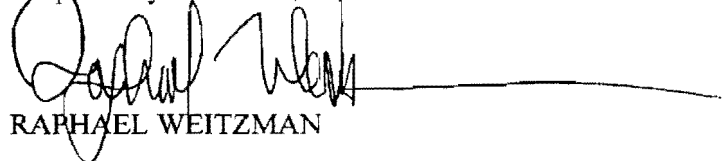
Defendants should in no way be prejudiced by disclosure of the requested information if their hands are clean. Barring that, if the requested records are not obtained by Plaintiffs, it will do irreparable damage to them including but not limited to the loss of the requested information which will assist Plaintiffs in re-pleading the complaint as per this Court's Order dated July 1, 2010.

A prior Application for the foregoing relief was previously requested, a copy of which is enclosed. Said Application was denied pursuant to FRCP Rule 45(b)(1). In the light of the foregoing, said Application is put forth once again.

Based on above, Plaintiffs request that this court Order NYSE to comply with the subject Subpoena and bear the cost of compliance with said Subpoena as well as the cost of compelling the subject Subpoena.

Thank you for your courtesy in this matter.

Respectfully submitted,



RAPHAEL WEITZMAN

RW/us  
Enc.

Cc:  
Robert F. Wise, Jr.  
William J. Fenrich  
DAVIS POLK & WARDWELL LLP (via email)